

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CA #: 05-10558RWZ

Thomas V. McCafferty,
as father and next friend of
Brynn S. McCafferty, a minor,
Plaintiff

vs.

Lowe's Home Centers, Inc.
Defendant

AMENDED COMPLAINT AND JURY CLAIM

1. The plaintiff, Thomas V. McCafferty, as father and next friend of Brynn S. McCafferty, a minor, is a person with a residence at Mansfield, Bristol County, Massachusetts.
2. The Defendant Lowe's Home Centers, Inc. is a corporation with a place of business at S. Washington St., North Attleboro, Bristol County, Massachusetts.
3. The Defendant is the owner and in control of a retail store located at the address above.
4. On June 24, 2003 while the minor plaintiff and her father were lawfully upon the premises of the defendant, the minor plaintiff and her father walked into an aisle where the defendant had negligently and carelessly permitted pallets to be lying on the floor, without any warning or guards, so that the premises were dangerous and unsafe for customers therein.
5. Said pallets were askew; some had bags of fertilizer on them, some had nothing on them.
6. The defendant, its agents, servants or employees negligently maintained the aisles of the store by reason of their leaving pallets laying across aisles where customers were obliged to walk.
7. As a result thereof, the minor plaintiff was caused to trip and fall, sustained serious

injuries suffered great pain of body and mind, and her father was obliged to expend money for medical care and attendance.

WHEREFORE: The plaintiff demands judgement against the defendant for damages to compensate the minor plaintiff and him for their loss, interest and costs.

THE PLAINTIFF DEMANDS A JURY TRIAL.

The plaintiff,
by his attorney,

/s/Bradford N. Louison
Bradford N. Louison (BBO # 305755)
Merrick, Louison & Costello, LLP
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Bradford N. Louison, hereby certify that on the 31st day of March, 2005, I served the foregoing by electronic filing Thomas C. Federico, Morrison Mahoney, LLP, 250 Summer St., Boston, MA 02210.

/s/Bradford N. Louison
Bradford N. Louison